

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

AMERICAN ACADEMY OF  
PEDIATRICS, *et al.*,

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG  
ADMINISTRATION, *et al.*,

Defendants.

Civil Action No. 8:18-cv-883-PWG

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Defendants, the United States Food and Drug Administration; Norman E. Sharpless, M.D., in his official capacity as Acting Commissioner of Food and Drugs; the United States Department of Health and Human Services; and Alex M. Azar II, in his official capacity as Secretary of Health and Human Services, hereby appeal to the United States Court of Appeals for the Fourth Circuit from the Memorandum Opinion (ECF No. 73) and Order (ECF No. 74) granting Plaintiffs' motion for summary judgment, denying Defendants' motion to dismiss or, in the alternative, for summary judgment, and vacating the agency action under review, entered on May 15, 2019; the Memorandum Opinion and Order (ECF No. 127) granting further relief, dated July 11, 2019, and entered on July 12, 2019, as clarified by the Order (ECF No. 132) entered on August 12, 2019; the Letter Order (ECF No. 154) granting Intervenor-Defendants leave to intervene for purposes of appeal, entered on October 2, 2019; and from all other rulings in this action adverse to Defendants.

Dated: October 24, 2019

Respectfully submitted,

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Assistant Attorney General

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Deputy Assistant Attorney General

/s/ Eric Beckenhauer

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